GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – A&C Dept. – Diversion fertilisers to the neighbouring states during the period January, 2015 in Chittoor Dist. – Initiation of disciplinary proceedings against Sri G.Nirmal Nithyanand, the then JDA(I/c) Chittoor and now retired as DDA (FTC), Chittoor and others -– Departmental Proceedings under Rule 9 of A.P. Revised Pension Rules, 1980 – Article of charges – Issued.

AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT

G.O.RT.No. 374 **Dated: 27-06-2017**

Read the following:-

. 1. From the C&DA,AP, Hyderabad,Lr.No.Vig.I(2)90/2015, dated:12.8.2015.
2.From the C&DA, A.P.,Hyderabad,Lr. No.Vig.I(2)90/2015, dated:31.3.2017.
3.Govt.Memo. No.6720/VigI-1/2015 , dated 12-06-2017.
4 G.O.Ms.No. 55 Agrl. & Coopn. (Vig.I) Dept., dated:27-06-2017

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ORDER :-

In pursuance of the sanction accorded by the Government under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of the A.P. Revised Pension Rules, 1980 for initiating Departmental Proceedings against Sri G.Nirmal Nithyanand, the then JDA(I/c) Chittoor and now retired as DDA (FTC), Chittoor Vide reference 4th read above, it is proposed to hold an inquiry against Sri G.Nirmal Nithyanand, the then JDA(I/c) Chittoor and now retired as DDA (FTC), Chittoor in accordance with procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or mis-behaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Article of Charges (Annexure-I). Statement of imputation or misconduct of misbehaviour on which action is proposed to be taken against him as Annexure-II, a list of documents by which and a list of witnesses by whom the Article of Charge is proposed to be sustained are also enclosed as Annexure-III and IV.

3. Sri G.Nirmal Nithyanand, the then JDA(I/c) Chittoor and now retired as DDA (FTC), Chittoor is directed to submit within 10 days of the receipt of this G.O. a written statement of his defence and also to state whether he desires to be heard in person.

4. He is informed that an Inquiry will be held only in respect of those articles of charge as are not admitted. He should therefore, specifically admit or deny the article of charge.

5. Sri G.Nirmal Nithyanand, the then JDA(I/c) Chittoor and now retired as DDA (FTC), Chittoor is further informed that if he does not submit his written statement of defence on or before the date specified in para-3 above, or does not appear in person before the Inquiry Authority or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him exparte.

P.T.O

6. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJSEKHAR
SPECIAL CHEIF SECRETARY TO GOVERNMENT (FAC)

To
Sri G.Nirmal Nithyanand, the then JDA(I/c) Chittoor and now retired as DDA (FTC), Chittoor through Director of Agriculture, A.P., Guntur.

Copy to

The Director of Agriculture, A.P., Guntur.
SC/Sf.

//FORWARDED BY ORDER//

SECTION OFFICER

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Annexure I

Statement of Article of Charge framed against Sri G. Nirmalnithyanand while functioning as Joint Director of Agriculture, incharge Chittoor as per Rule 20 of APCS (CCA) Rules 1991

Article of Charge:

That the said Sri G. Nirmalnithyanand while functioning as Joint Director of Agriculture (i/c), Chittoor during the period from 21.1.2015 to 27.1.2015 was negligent in discharge of duties and could have avoided malpractice by the then AO(QC) of this office and IFFCO official.

Annexure II

Statement of imputations of misconduct or misbehaviour in support of the article of charge framed against Sri G. Nirmalnithyanand Joint Director of Agriculture, Chittoor

He was negligent in discharge of his duties. It is a fact that he has taken charge on 21.1.2015. His predecessor Sri J,Ravi Kumar has handed over the file relating to distribution of fertilizers to him with a request to obtain post approval from the Collector.

Two (2) files were handed over to him by his predecessor.

1) Distribution of fertilizers of IFFC0

2) Multi Purpose Extension Officers (MPEOs) recruitment

- Among these 2 files he has obtained approval from the Collector relating to MPEOs recruitment but he miserably failed to obtain post approval from the Collector relating to distribution of fertilizers allotment
- It is not known whether the approval was not obtained intentionally or not. It is construed that he has done this in order to avoid adverse remarks from the Collector on the subject. All these things appears to have been done in order to avoid adverse comments from the Collector. This also amounts to negligence.
- He should have reviewed the allotment I distribution of fertilizers made earlier since he was JDA i/c. Further, during the period he was JDA i/c from 21.1.2015. During the period a quantity of 700 Mts was distributed (i.e. from 11.1.2015 to 27.1.2015). He has failed to obtain approval / post approval or ratification for this distribution from the Collector, Chittoor and kept quite. His silence over the subject goes to prove his negligence in discharge of duties and allowed / given scope to AO (dealing with QC) to handle and misuse the situation.
- He has not initiated any action against M/s IFFCO for the discrepancy / variation in supply of 95 Mts of urea in Tirupathi, SriKalahasthi and Valmikipuram divisions. All the three ADAs with documentary evidence informed the JDAs office after the facts came to light in the enquiry of Additional Joint Collector, Chittoor on 13.3.2015.
- The ADAs of 3 divisions viz., SriKalahasthi, Tirupathi and Valmikipuram did not initiate action against M/s IFFC0. These officials are licensing authorities (fertilizers) in their jurisdiction and supposed to have enquired as to why the urea stocks were not supplied to the dealers in their division a per the challans of IFFCO. As an officer incharge of the District he has failed to monitor the proper distribution of Fertilizers and allowed his subordinate officers to misuse the situations.

P.T.O

As JDA i/c he was just a spectator and allowed AO (dealing with Quality Control) Olo JDA, Chittoor and IFFCO official to manipulate the records in attending irregular distribution of fertilizers. He has not alerted the departmental officials. He could have avoided this malpractice by the AO (QC) of this office and IFFCO official.

The Enquiry Officer Sri G.Vinay Chand has also observed that no efforts were made by Sri G.Nirmalnithyanand to curb the misuse of fertilizers in the district. As JDA i/c he has not initiated any action against M/s IFFCO.

- As JDA i/c he has failed to supervise the distribution of fertilizers in 3 divisions. Even as per the ER which clearly shows the lack of supervisory lapse as the ADAs of 3 divisions did not initiated action against M/s IFFCO. These officials are licensing authorities (Fertilisers) in their jurisdiction and they should supposed to have enquired as to where the urea stocks were dispatched by IFFCO even after knowing that the urea stocks were not supplied to the dealers in their division as per the delivery challans of IFFCO.

The Enquiry Report of the Addnl, Director also reveals that

- In the divisions of Tirupathi, SriKalahasthi and Valmikipuram where non supply of 95 Mts of IFFCO urea was noticed, it was enquired with the ADAs and concerned Ads of those divisions and it was confirmed by the Enquiry Officer with the concerned officers that the 95 Mts were not supplied.
- The IFFCO field manager personally attended the enquiry on 27.4.2015 at 12.00 noon in JDA's office, Chittoor, denied the version of 3 division ADAs/ MAOs and reitereated that the 95 Mts were supplied as per the delivery challans issued by IFFCO and left for Tirupathi with assurance that the relavant supporting record will be handed over to the enquiry Officer by 27.4.2015.
- The Enquiry Officer proceeded to Tirupathi on 27.4.2015 and visited M/s Padmavathy General Stores at 3.30 p.m. and inspected the stock register and fournd that the records were manipulated by making the entries later.
- It was concluded by the Enquiry Officer on the subject that the IFFCO field manager after taking the details from Enquiry Officer on 27.4.2015 at 12.00 noon at Chittoor managed to get the entries of 60 Mts, of urea supplies incorporated in the stock register of M/s Padmavathi General Stores.

The Enquiry Officer also reported that the field manager IFFCQ resorted to the following irregularities.

- 95 Mts of urea claimed to have been supplied through Delivery Challan / invoice No 5191 dt 7.1.2015 issued in favour of M/s Padmavati General Stores, Tirupathi - .40 Mts No 5192 dt 7.1.2015 issued in favour of ARSK, Tirupathi (Rural) - 5 Mts, No 5253 dt 13.1.2015 M.s Padmavathi General Stores, Tirupathi — 20 Mts, No 5200 dt 10.1.2015 ARSK, SriKalahasthi — 1 0 Mts, No 5224 dt 12.1.2015 ARSK Kalakada — 20 Mts, - Total 95 Mts.,
- The stocks were not supplied to the above dealers but sent elsewhere misleading the MA's office.
- Thus it was construed by the Enquiry Officer from the fact that the IFFC0 official had resorted to manipulation of records pertaining to supply of 60 Mts as found by the enquiry officer in the physical inspection of M/s Padmavathi General Stores, Tirupathi on 27.4.2015 at 3.30 p.m. and similar such efforts made by the field manager IFFCO to tamper the records in other divisions i.e. SriKalahasthi and Valmikipuram as reported by respective ADAs.

P.T.O

The above irregularities as observed by the Enquiry Officer, the irregularities happened due to lack of supervision by the then JDA and follow-up of the subject.

ANNEXURE III

List of documents by which the Article of Charges framed against Sri G.Nirmalnithyanand while functioning as Joint Director of Agriculture i/c, Chittoor are proposed to be sustained.

1.Eenadu daily news paper cutting dt 11.3.2015
2. Preliminary Enquiry Report copy of the Additional Joint Collector, Chittoor
3.Preliminary Enquiry Report of the District Collector, Chittoor sent to the Commissioner and Director of Agriculture through reference No A/C/2015 dt 17.3.2015
4.Copy of the Joint Enquiry Report of Sri G. Vinay Chand, Addnl., Director of Agriculture, Sri K.Jayadev, ADA (Fertl.,) O/o C&DA and Sri M.Gopal ADA O/o C&DA
5.List of dealers from whom the stocks are proposed to supply received through e-mail on 3.1.2015.

ANNEXURE IV

List of witness by which the Article of Charges framed against Sri G.Nirmalnithyanand while functioning as Joint Director of Agriculture i/c, Chittoor are proposed to be sustained.

As per the reports of the officers noted in Annexure III

B.RAJSEKHAR
SPECIAL CHEIF SECRETARY TO GOVERNMENT (FAC)

SECTION OFFICER